

REMARKS

This Application has been carefully reviewed in light of the Advisory Action issued September 4, 2008. Claims 1-20 are pending in this Application. In order to advance prosecution of this Application, Claims 3, 5-7, 10, 11, 15, and 19 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on June 23, 2008. Applicant submitted a Response to Examiner's Final Action on August 25, 2008. The Examiner issued an Advisory Action on September 4, 2008 stating that the Response to Examiner's Final Action would not be entered as it raised new issues requiring further consideration and/or search. Applicant respectfully requests continued examination of this Application so that the Response to Examiner's Final Action can be entered and considered by the Examiner pursuant to this Request for Continued Examination. For the convenience of the Examiner, the amendments made to the claims in the Response to Examiner's Final Action and the accompanying comments are repeated herein.

Claims 3, 4, 7, 8, 10, 12, 14, 16, 18, and 20 stand rejected under 35 U.S.C. §112, first paragraph, for containing subject matter not described in the specification. With respect to Claims 7, 8, 12, 16, and 20, Independent Claim 7 has been amended to provide a packet switch as part of the transmission system. Support for a packet switch can be found at page 1, lines 24-26, page 4, lines 1-6, and the Abstract of Applicant's specification. With respect to Claims 3, 4, 10, 14, and 18, Claims 3 and 10 have been amended to provide a packet switch as part of the apparatus. Support for a packet switch can be found at page 1, lines 24-26, page 4, lines 1-6, and the Abstract of Applicant's specification. The Examiner

indicates that each of the means for encapsulating, setting, transporting, and extracting are not described in the specification. The specification states that the functions provided in these claims may be performed in computer systems, which include switching systems. See Page 2, lines 1-4; page 3, lines 15-27; page 6, lines 10-14; and elsewhere throughout Applicant's specification. Therefore, Applicant respectfully submits that Claims 3, 4, 10, 14, and 18 are in accordance with 35 U.S.C. §112, first paragraph.

Claims 5, 6, 11, 15, and 19 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 5, 6, 11, 15, and 19 have been amended to be directed to a computer-readable storage medium. Support for a computer readable storage medium can be found at page 2, lines 1-4, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 5, 6, 11, 15, and 19 are in accordance with 35 U.S.C. §101.

Applicant notes with appreciation the allowance of Claims 1, 2, 9, 13, and 17. Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicant does not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

Please charge Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. an amount of \$810.00 to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e).

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants



Charles S. Fish

Reg. No. 35,870

September 23, 2008

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600  
Dallas, TX 75201-2980  
(214) 953-6507

Customer Number: 50627